E
664
D27U5
COPY 3

MEMORIAL ADDRESSES
ON
HON. GARRETT DAVIS
DECEMBER 18TH 1872.

Class E664
Book .D27U5
Copy 2

MEMORIAL ADDRESSES

ON THE

LIFE AND CHARACTER

OF

GARRETT DAVIS,

(A SENATOR FROM KENTUCKY,)

DELIVERED IN THE

SENATE AND HOUSE OF REPRESENTATIVES,

FORTY-SECOND CONGRESS, THIRD SESSION, 1872 – 1873

DECEMBER 18, 1872.

PUBLISHED BY ORDER OF CONGRESS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1873.

E664
D2745
Copy 2

GARRETT DAVIS.

PROCEEDINGS IN THE SENATE.

Remarks by Mr. Stevenson, of Kentucky.

Mr. President: I rise to announce an event which will be received by the Senate, I am sure, with profound regret and the sincerest sorrow.

Hon. Garrett Davis, late a Senator from the Commonwealth of Kentucky, in the Congress of the United States, is no more! Upon the 22d of September last, at his own home near Paris, Kentucky, he passed quietly away, cheered by the presence of his sorrowing children and surrounded by devoted personal friends.

It is sad to realize that his long life of faithful public service is ended. We grieve that those earnest, fearless utterances in the support of whatever he deemed right, those fierce and impassioned denunciations of whatever he believed to be wrong, so often heard in this Chamber, are hushed forever.

Although the rapidly declining health of the departed Senator during our last session rendered the sad event which we are now called upon to deplore not improbable, still every heart in the Chamber is deeply touched by its reality. Full of years and full of honors, Garrett Davis has passed away. All that is left to us is the memory of his virtues and the remembrance of his exalted patriotism.

This is not the place, nor the present the time, for any eulogium or lengthened sketch of the life and public services of my late colleague and friend. And yet, Mr. President, my sad trust would seem to me

but half discharged, were I to omit all reference to some of the salient and striking traits which marked his life.

GARRETT DAVIS was a native of Kentucky. He was born in Mount Sterling on the 10th of September, 1801. His father and mother emigrated from Montgomery County, Maryland, to the county of the same name in Kentucky. His mother was a Miss Garrett, a family still well and widely known in Maryland, and it was from his mother's family that he derived his own baptismal name. His father was a man of marked character. To energy and industry, he added strong will and great personal popularity. He was for many years the sheriff of his adopted county, and represented it several times in the lower branch of the General Assembly of Kentucky. The strongly marked character of the parents was deeply impressed upon their children. Mr. DAVIS was one of three brothers. The brilliant talents of two of them, Amos and Singleton Davis, long since dead, are still remembered in Kentucky, while the long and distinguished public service of him whom we to-day mourn, is imperishably interwoven with the public annals of an entire country.

Mr. DAVIS enjoyed the advantages of what we know in Kentucky as a common country school. At the early period when his father left Maryland to find a new home in the wild and sparsely settled portion of Kentucky where he settled, the means of instruction were extremely limited. Mr. DAVIS applied himself diligently, and soon acquired a good English education, with some knowledge of the Latin and Greek languages. At an early age he determined to study law. With a view of practical knowledge he sought employment as a deputy in the circuit court clerk's office of Montgomery County. In 1823 he removed to Bourbon County, where he continued to prosecute his legal studies, and at the same time to write in the circuit court clerk's office of that county. About the year 1824 he commenced the practice of his profession at Paris, and to it he consecrated the earlier years of life with enthusiastic devotion.

In 1825 he married the daughter of Robert Trimble, a distinguished jurist, who became subsequently a judge of the Supreme Court of the United States. This accomplished woman died in Washington in 1842, leaving a son and two daughters, who survive their father. In 1845 Mr. DAVIS married the widow of Thomas Elliott, a prominent lawyer at the Paris bar. She died in October, 1868, leaving one son, who is living.

Mr. DAVIS was indefatigable and laborious in his legal studies. "Such industry produced its fruits." His business increased, and he rapidly rose to a high position at a bar which then numbered some of the most prominent lawyers in the Commonwealth. He regarded the law as the noblest science of intellectual triumph. He loved the administration of justice. It challenged his admiration and stimulated his professional aspirations. All who have encountered him as an opponent in the trial of an important cause, as it has been my experience occasionally to have done, will bear willing testimony to his high qualities as an able and strong lawyer. His last argument but one in the Supreme Court of the United States, in the reported case of Missouri *vs.* Kentucky, is a lasting memorial of his legal learning and professional power. Had his whole life been devoted exclusively to professional labor, none who knew him could doubt, that he would have reached the summit of professional eminence, and have become an acknowledged leader before any court.

Mr. DAVIS took an active and prominent part in the political contests of Kentucky from his earliest manhood. Always an ardent Whig, and frequently the selected standard-bearer of his party in its most excited struggles, his clarion voice rang throughout the Commonwealth in defense of the principles of that patriotic and gallant organization. He was the trusted and tried friend of Henry Clay, and enjoyed, to a pre-eminent degree, his confidence and regard.

He represented Bourbon County in the lower branch of the General Assembly of Kentucky for many years. Always conservative in

his views, he took a prominent and successful part in shaping the legislation of the State. For eight consecutive years, he was chosen over able and distinguished competitors, by the electors of the Ashland district, their representative to the House of Representatives of the United States, and then voluntarily retired. The debates in that body during that period attest his power and strength as a ready and skillful debater.

He was nominated as lieutenant-governor on the gubernatorial ticket with John J. Crittenden, but at his earnest request was excused by the convention.

In 1861, amid perils and dangers of a revolutionary struggle, he was elected as an old-line Union Whig, to succeed John C. Breckinridge in the Senate of the United States. He was the strong opponent of secession, and was at the period of his election an earnest advocate for the rigid prosecution of the war to restore the Union.

In 1867 he was re-elected to the Senate, a proud tribute to his fidelity and zeal in upholding the honor and guarding the interests of his State. Had he lived, his senatorial term would have expired on the 3d of March, 1873.

Mr. DAVIS and myself, until some time after the commencement of the late war, had been always political opponents. We had both been reared in opposing political schools, and differed widely in our views as to the powers and policy of the Federal Government. Still we were warm friends. I became associated with him in the public service for the first time in October, 1849. He, my present colleague, and myself met as members of the convention which framed and adopted the present constitution of Kentucky. It was at that period, in a daily intercourse of several months, that I formed an opinion of GARRETT DAVIS which I have never had occasion to change. I thought then, as I think now, that he was a strong and in many respects a most remarkable man. His character was cast in a mould of striking antagonisms. Its strong element rested in that moral

power, which brought to its aid a concentrated will and a conscious rectitude that challenged and alike defied opposition. His heart knew no fear. Popular opinion had no terror for him in the advocacy of measures he believed to be right.

I recall a striking incident: During the session of our constitutional convention, Mr. DAVIS, at that time a sincere advocate of the principles of a then existing political organization, known as the American party, introduced into that body a series of resolutions, proposing, by constitutional enactments, to exclude from the right to hold office, in the future, all Roman Catholics, and requiring on the part of all foreign-born citizens a residence of twenty-one years as a prerequisite on their part to the enjoyment of the right of suffrage.

The resolutions were opposed with singular unanimity by four-fifths of the convention, and by none more sternly than by myself. I know, or rather I have good reason to believe, that many party friends of Mr. DAVIS went to him privately and urged their withdrawal. They insisted that his advocacy and vote for the proposed measures would not only lead to his downfall, but bring down the party with him. He replied, that he knew no party call when his duty commanded him to serve his State by the enactment of measures he believed to be right. For several days he stood almost alone, as the earnest, bold, and fearless advocate of his resolutions, repelling every assault, and supporting them with a zeal I have rarely seen surpassed. Out of the body, composed of one hundred members, my recollection now is, that his proposition received, on the call of the ayes and noes, but seven votes besides his own. Still he believed himself right, and his spirit never quailed before any majority.

Senators, another high quality of the dead statesman was, his innate desire to be right in all that he said and in all that he did in this Chamber. Pride and self-consistency always gave way, by prompt acknowledgment, whenever he believed himself wrong in speech or vote.

I have before me a striking illustration: On the 18th day of May,

1871, while we were discussing a violation of the rules of the Senate by an improper promulgation of the then recently negotiated treaty with Great Britain, Mr. DAVIS took an active part, as you all remember, in that debate. He made an able and lengthy speech on some of the questions involved. A few days afterward he came to my chair and said, "I wish to see you." We retired into the cloak-room, as I remember, when he said, "Do you think my argument consistent and sound?" I said, "I do not." Said he, "I do not, either." And what, sir, did he do? I read from the Globe what then occurred:

"Mr. DAVIS, of Kentucky. Mr. President: In the remarks that I submitted to the Senate some time since, I assumed the position that if a Senator received from the State Department or from any other source a copy of the treaty, and after the Senate had received the treaty from the Executive, communicated that State Department copy, it would not be a violation of the secrecy of the Senate. I have further considered that position, and I am satisfied that it is erroneous, and I finally withdraw from it." [*Congressional Globe, part* 2, *Forty-second Congress, first session, page* 876.]

The traits in Mr. DAVIS's character made a strong impress on friends and foes alike. He was positive, bold, and impassioned. He could do nothing by halves. Often, very often, erroneous, he did injustice occasionally both to friends and foes. He possessed, however, that higher, godlike attribute, a generous magnanimity to acknowledge his wrong and publicly to make a ready and prompt *amende*.

Senators, for almost twelve years he was your constant associate in this Chamber. His service for a greater portion of that time was in a very small political minority. Constitutional questions, novel and startling in their character, deemed dangerous to constitutional liberty, have during his term been discussed and adopted. Was GARRETT DAVIS ever silent when duty prompted him to speak? Did he ever quail before the power of an overwhelming political majority in this Senate-Chamber? Amid your bitterest party con-

tests of the past, was his honesty ever impeached, or his spotless purity of character ever questioned?

His bold and fearless denunciations of contemplated usurpations may have offended you; his constant and unceasing appeals to the Constitution may have wearied you; sharp and bitter words, uttered by him in the heat of debate, may have wounded you; but is there one Senator in this Chamber who will not willingly, in despite of the past, say that GARRETT DAVIS was a pure, fearless, honest patriot? What higher tribute could human ambition desire? What higher praise could human statesmanship deserve?

My late honored and lamented colleague sleeps amid the blue-grass of his own native Commonwealth, in sight of his home, by the side of loved ones who have gone before him. Senators, soon, one by one, each of us will successively follow him through that dark valley through whose gloom he has now passed.

Should not this impressive scene admonish us of our mortality? Shall it not check the acerbity of feeling which sometimes, amid the excitement of our debates, escapes us? I trust it may awaken in the heart of each and all of us greater respect for those who feel themselves constrained, upon public questions upon which we are called on to act, to differ from one another. Sad dispensations are hourly bringing their instructive lesson, that we must soon pass away. "The paths of glory lead but to the grave." No honors, no distinction, no wealth can stay the power of death.

But yesterday, amid the excitement of an excited political presidential contest, the image of one man was before all eyes, and his name was lisped on every tongue. Full of hope, full of expectation, his heart beat high for presidential honors. Where is he now? Like my departed colleague, he sleeps in a new-made grave, and all that was mortal of Horace Greeley mingles with its kindred dust. So it has been; so it is; so it will ever be, until the "sea and graves give up their dead."

But there is a brighter home beyond the grave, prepared and ready for all who trust in God, and who are willing to accept the mediation of His Son. There the loved ones who have passed over the river, shall be re-united in a communion never to be broken, and all that communion will be love.

I beg leave, Mr. President, in conclusion, to offer the following resolutions:

Resolved, That the Senate has learned with feelings of profound regret that Hon. GARRETT DAVIS, late a Senator in the Congress of the United States from the Commonwealth of Kentucky, departed this life at his residence near Paris, in that State, on 22d September, 1872, during the recess of this body.

Resolved, That in the death of Mr. DAVIS the country has lost a citizen eminent for his public and private virtues, a statesman of the purest patriotism, a Senator of ability and worth, and that his death is deplored by the whole country.

Resolved, That, as a testimonial of our respect for the memory of the deceased, the members and officers of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of Congress upon the announcement of the death of Hon. GARRETT DAVIS be communicated by the Secretary to the family of the deceased.

Resolved, That, as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

REMARKS BY MR. VICKERS, OF MARYLAND.

Mr. PRESIDENT: This occasion is one of melancholy interest to us, who in our feeble way attempt to pay the tribute of our homage to the character, worth, and services of a distinguished member of this body, who but recently graced one of our seats and held pleasant converse with us.

When I entered the Senate, I met the friendly greeting of the sage of Kentucky, a gallant State, which he delighted to honor, and whose interest and fame it was his pleasure to protect and promote. I listened with growing interest to the debates of Senators, and especially to those of Hon. GARRETT DAVIS, the contemporary and devoted friend of the immortal Clay. His long public service, dignified bearing, and venerable appearance attracted me, and impressed me with the opinion that he would have done honor to the Roman senate in the palmy days of that republic. To say that I lament his death is but faintly to express the emotions of my heart. We have lost a most illustrious and honorable member, a sincere friend, a sound lawyer, an able statesman, the courteous and accomplished gentleman.

For more than a year some of us thought that we perceived a degree of failing health and decline in our deceased associate. We watched the progress of time upon him with much feeling and anxiety. When violently attacked by disease, before the termination of the last session of the Senate, our fears were aroused for his safety, and we sought the morning reports of his condition with solicitude and hope. We rejoiced when he was able to return to his beloved State, and when we subsequently learned that the genial influences and associations of home and friends had restored him to much stronger and almost renewed health; but when, in September, the telegraph informed us of his death, we were shocked at the announcement. Although we knew that the fatal messenger must at some period come to him, as he will soon appear to us, yet we hoped that his arrow would longer remain in his quiver and his visit be delayed.

Mr. DAVIS was a true man, and a type of the nobler attributes of his race; a link that bound the glories of the past of our country with the melancholy memories of the present. He was virtuous from a love of virtue, and, acting on the maxim that nothing was impossible to industry, he was always at the place of duty, which is the post of

honor. He attained his high distinctions in the service and councils of his country by the practice of the cardinal virtues, which constitute the road to elevation and to fame.

> "Honor is
> Virtue's allowed ascent: honor that clasps
> All perfect justice in her arms; that craves
> No more respect than what she gives; that does
> Nothing but what she'll suffer."

In temperament he was quick, ardent, magnanimous; sincere and frank in his professions, honest in his convictions, and uncompromising in principle. He was made of the sterner stuff which forms the elements of character of the honest, the fearless, and the good. Duty was to him the sublimest and dearest object of life; all the aspirations of his heart and the severest study and labor of his life were to perform his duty with ability and fidelity. It would have been as easy to retard the sun in its course, as to swerve him from the faithful discharge of his public trust. Neither flattery nor censure could affect him; and he was insensible to fear, except that of a failure to serve his country and her cause with the efficiency and success which he desired. Stern and inflexible in the pursuit and defense of what he believed to be right, he was untiring in his efforts to accomplish it. His health was no doubt impaired by his indefatigable habits of study and preparation for the weighty responsibilities of an American Senator. Office was no sinecure or place of ease to him, and his examples of diligence, toil, and perseverance merit our highest encomium and imitation.

If there ever was a man devoted to the true principles of the Constitution and the rights of the citizen, he was that man. We all remember with what fervency, with what physical and mental efforts he entered on that arena, and with what eloquence he stirred our souls and enlisted our feelings in the cause of constitutional liberty and the principles of republican government. He possessed the true principles of oratory; for, when imbued and agitated with a subject

and fired by its importance and objects, he spoke with impassioned force, kindling the powers of the mind and heart to a pathos, energy, and boldness which aroused and animated the feelings and admiration of his hearers. Some of his perorations were specimens of pure and enthusiastic eloquence that would honor any American forum. While he accorded all necessary powers to the Federal Government, he maintained with zeal the reserved rights of the States. He had read, studied, and observed much; had mastered the legitimate expositions of the Constitution; had drank deep at the fountain; and if he had an idol upon earth, it was the Constitution as interpreted by the fathers and administered in its original spirit and purity.

Mr. DAVIS had filled various places of trust in his native State before he was introduced into the Halls of Congress: he had been elected four times to the House and twice to the Senate; he had acquired extensive experience in public affairs and the legislation of his country, which was aided by his practice as an able attorney in the State and Federal courts.

Aristides was not more just, nor governed by more lofty views of moral rectitude. He was frank and firm in what he believed to be right, and would not

> "Have flattered Neptune for his trident,
> Or Jove for his power to thunder."

I once spoke to him about the probable animadversions of the press upon a speech which he had made, when he replied, substantially, that he cared not for publications, as he had determined to do his duty irrespective of censure or applause—a noble sentiment, worthy of the most eminent patriotism, and which could only come from the most exalted sense of conscious integrity of purpose. He was unlike some men of celebrity, who appear greater in distant perspective, which hides their weaknesses and failings from public view, but when brought into proximity with their admirers detract from the enchantment of the picture and its impress upon the imagination.

But Mr. DAVIS's mental and moral proportions will suffer no dimi-

nution when brought into close and familiar connection. He was a strong man in will and intellect; and with a mind enriched by the fruits of learning and experience, he never compromised his dignity nor lessened the prestige which his reputation had secured. He was a man of solid character and attainments, and of refined tastes and habits.

The loss of such a one at any time must be severely felt; but at this period of our history, when we are almost in a transition state from war to peace, and engaged in the great work of restoration, the loss is more sensible and intense. We shall miss him in council, in debate, in the social circle, in personal intercourse, and in friendly relations. Cicero said, "The life of the dead is placed in the memory of the living." We cherish a pride that we knew Mr. DAVIS so well; that he served his country faithfully; that no taint ever attached to his name while living, and that no stain can ever disfigure the bright escutcheon of his memory now he has gone. But his sun has set—not in the effulgence of noonday life, but in the evening calm and stillness, when "coming events" signal their approach, and the luminous yet soft and mellow tints are thrown in beauteous rays upon the reflecting sky.

A renowned hero, when about to take his departure from earth, said, "Let us cross the river and rest under the shadows of the trees." May we not hope that our deceased friend has safely passed the river of life, and found a resting-place among the trees of Paradise, where golden fruits are gathered and enjoyed?

We who survive, and on whom great responsibilities rest, should learn the solemn lesson which this day and this event teach us.

REMARKS BY MR. CAMERON, OF PENNSYLVANIA.

Mr. PRESIDENT: The tributes paid to-day to the memory of the departed Senator from Kentucky awaken in my heart peculiar mem-

ories. More than thirty years ago I was informed that a lady, traveling in the cars, had been taken suddenly ill while passing through the village in which I then lived. She was taken to the inn, where she was forced to remain for weeks, and during that time my family ministered to her comfort until her recovery was complete. The lady was Mrs. Garrett Davis. And from that time dates an intimate friendship between Mr. DAVIS and myself, which nothing ever impaired in the slightest degree while he lived. During the long years which have passed over me since then, I learned to know and love the generous, warm-hearted gentleman, the honest and faithful friend, whose death we now deplore. Few men have died leaving behind them less bitterness or less cause for unpleasant recollections. He was a warm friend and an open foe; and these two qualities rate highly in my estimation.

Of Mr. DAVIS's public life only one thing can be justly said: He was always true to his convictions, and bold in their advocacy. In his earlier years he was a friend and disciple of Henry Clay, and for many years the State which gave him birth honored itself by electing him to the House of Representatives, where he played an honorable part in the duties of his position, and at last he was transferred to this body to represent his native State.

When the conspiracy to overthrow our Government developed, his patriotism blazed forth, and he at once took up arms to maintain the authority of the laws and to preserve the Union he revered; and it was only when the great revolution of emancipation came face to face with the country that he cooled in his reverence and love of the Federal power. Many of us regretted, and still regret, that he did not see his way clear to support that just and great measure. But our regret was mingled with sympathy for one whose education and surroundings made it next to impossible for him to see clearly through the mist and darkness of early prejudice and early training. Even in his opposition, however, the nature and virtues of the man shone

clearly. Being convinced that the emancipation of the slaves was wrong, he opposed it, and all legislation flowing from it, with an honest intensity which made those who regretted his course admire his straightforward, manly conduct, and while many disagreed with him all respected him. He was a frank, free-hearted gentleman, fulfilling all the duties of life with conscientious fidelity, and leaving behind him the fame of an industrious public servant and a thoroughly honest man.

With a heart full of sorrow for the friend of my earlier days, and the colleague of my age, I have felt it to be my duty to mingle a few rugged but honest words in his honor and to his memory.

Remarks by Mr. Thurman, of Ohio.

Mr. President: I knew Mr. Davis well. My acquaintance with him commenced twenty-seven years ago, when we were members of the House of Representatives. He was a man of uncommon force of mind, earnestness of purpose, industry, purity, and courage. He had very lofty sentiments of honor, virtue, and patriotism, and he strove to approach, as nearly as possible, to his high ideal. Of a quick and nervous temperament, he sometimes, in the heat of speech, gave offense; but no man that I ever knew was more ready than he to make reparation when he saw that he had erred. He never meant to be unjust, and it was only necessary to convince him that he had been, to draw from him the amplest atonement. He was a ready and powerful debater, speaking frequently, from the fullness of a well-stored mind, in order to discharge what he deemed to be his duty, and never to gratify a feeling of personal vanity; and few men, however well informed, ever listened to him without deriving instruction from what he said. He had a profound love for his country and for the original Constitution. His admiration of that instrument was

almost without limit. He considered it the wisest constitution of government ever ordained, and he never could regard what he thought a violation of it without real pain and suffering.

At the bar he occupied a prominent place. Next to constitutional law, the common law seemed to me to be his favorite study; and he possessed in a high degree the qualities that make the successful practitioner. By his death the country has lost an able and experienced statesman, the law a learned and industrious advocate, and a large circle of acquaintances a true and valued friend.

REMARKS BY MR. SUMNER, OF MASSACHUSETTS.

Mr. PRESIDENT: I was a member of the Senate when, in 1861, our departed Senator entered it, and I was to the end the daily witness of his laborious service. Standing now at his funeral, it is easy to forget the differences between us and remember those things in which he was an example to all.

Death has its companionship. In its recent autumn harvest were GARRETT DAVIS, William H. Seward, and Horace Greeley. Seward was the precise contemporary of DAVIS, each beginning life with the century and dying within a few days of each other. Always alike in constancy of labor, they were for a larger part of this period associated in political sentiment as active members of the old Whig party. But the terrible question of slavery rose to divide them. How completely they were on opposite sides I need not say. Horace Greeley was ten years the junior, but he was the colleague and peer of GARRETT DAVIS in devotion to Henry Clay. In the whole country, among all whose enthusiastic support he aroused, there was no one who upheld the Kentucky statesman with more chivalrous devotion than these two. Here they were alike, and in the record of life this signal fidelity cannot be forgotten. It was to the honor of Henry Clay that he

inspired this sentiment in such men, and it was to their honor that they maintained it so truly. Kindred to truth is fidelity.

At his death, GARRETT DAVIS was our congressional senior, having entered the other House as early as 1839, after previous service of six years in the legislature of Kentucky. For eight years he sat as Representative, and then, after an interval of thirteen years, he was for nearly twelve years Senator. During this long period he was conspicuous before the country, dwelling constantly in the public eye. How well he stood the gaze, whether of friend or foe, belongs to his good name.

All who knew him in the Senate will bear witness to his wonderful industry, his perfect probity, and the personal purity of his life. No differences of opinion can obscure the fame of these qualities or keep them from being a delight to his friends and an example to his country. Nor can any of us forget how, amid peculiar trials, he was courageous in devotion to the National Union. No pressure, no appeal, no temptation, could sway him in this patriotic allegiance. That fidelity which belonged to his nature shone here as elsewhere. He was no holiday Senator, cultivating pleasure rather than duty, and he was above all suspicion in personal conduct. Calumny could not reach him. Nothing is so fierce and unreasoning as the enmities engendered by political antagonists; but even these never questioned that he was at all times incorruptible and pure. Let this be spoken in his honor; let it be written on his monument. Nor can the State that gave him to the national service and trusted him so long fail to remember with pride that he was always an honest man.

With this completeness of integrity there was a certain wild independence and intensity of nature which made him unaccommodating and irrepressible. Faithful, constant, devoted, indefatigable, implacable, he knew not how to capitulate. Dr. Johnson, who liked "a good hater," would have welcomed him into this questionable fellowship. Here I cannot doubt. Better far the opposite character, and

even the errors that may come from it. Kindred to hate is prejudice, which was too often active in him, seeming at times, especially where we differed from him, to take the place of reason. On nothing was this so marked as slavery. Here his convictions were undisguised; nor did they yield to argument or the logic of events. How much of valuable time, learned research, and intellectual effort he bestowed in support of this dying cause, the chronicles of the Senate attest. How often have we listened with pain to this advocacy, regretting deeply that the gifts he possessed, and especially his sterling character, were enlisted where our sympathies could not go. And yet I cannot doubt that others would testify, as I now do, that never on these occasions, when the soul was tried in its depths, did any fail to recognize the simplicity and integrity of his nature. Had he been less honest I should have felt his speeches less. Happily that great controversy is ended; nor do I say anything but the strict truth when I add that now we bury him who spoke last for slavery.

Time is teacher and reconciler; nor is it easy for any candid nature to preserve a constant austerity of judgment toward persons. As evening approaches, the meridian heats lose their intensity. While abiding firmly in the truth as we saw it, there may be charity and consideration for those who did not see it as we saw it. A French statesman yet living, whose name is indissolubly connected with the highest literature, as well as some of the most important events of his age, teaches how with the passage of life the judgment is softened toward others. "The more," says M. Guizot, "I have penetrated into an understanding and experience of things, of men, and of myself, the more I have perceived at the same time my general convictions strengthen and my personal impressions become calm and mild. Equity, I will not say toleration for the faith of others, in religion or politics, has come to take place and grow by the side of tranquillity in my own faith. It is youth, with its natural ignorance and passionate prejudices, which renders us exclusive and biting in our judgments

of others. In proportion as I quit myself, and as time sweeps me far from our combats, I enter without difficulty into a serene and pleasant appreciation of ideas and sentiments which do not belong to me." Even if not adopting these words completely, all will confess their beauty.

Here let me be frank. Nothing could make any speech for slavery tolerable to me; but when I think how much opinions are determined by the influences about us, so that a change of birth and education might have made the abolitionist a partisan of slavery and the partisan of slavery an abolitionist, I feel that, while always unrelenting toward the wrong, we cannot be insensible to individual merits. In this spirit I offer a sincere tribute to a departed Senator who, amid the perturbations of the times, trod his way with independent step, and won even from opponents the palm of character.

Remarks by Mr. Bayard, of Delaware.

Mr. President: My personal associations with our late friend, the deceased Senator from Kentucky, date but a comparatively few years back; and in view of the just eulogy, and full, interesting, and discriminating sketch of his career by his distinguished colleague, to which we have just listened, approved as it has been alike by those who were his party allies and opponents in this Chamber, I might well hesitate to detain the Senate by any reference to the short period covered by my personal acquaintance. But that period, although short, has been full of occurrences deeply significant and important in the history of our country, and the part borne by Mr. Davis so useful to his fellow-countrymen as well as honorable to his name and memory, that I conceive it proper upon this sad occasion to make brief mention of it.

No period in the political history of the United States has been more pregnant with the spirit of transition and change (not to say revolution) than the past four years; and measures of the gravest and most far-reaching influence, in the theory and practice of our system of government, have been under consideration, and, for better or for worse, incorporated with our institutions. Not upon this occasion, sir, do I propose to discuss the benefit, or the contrary, to this Union of States, or their people, of these profound alterations in our political structure. Behind the veil of the future and in the verdict of a later generation must be found the truer answer. But when the actors of the period to which I have referred come to be reviewed, and the several responsibilities of each to be considered and adjudged, I am among those who believe that the fame of GARRETT DAVIS, of Kentucky, will gain an increased luster when the record of his earnest, able, unflinching, and so often eloquent efforts in this Chamber, in favor of fixing and retaining constitutional limitations upon governmental powers, shall be read and appreciated.

Mr. DAVIS was an experienced statesman, an able constitutional and common lawyer, and high as was his intellectual rank, still higher was his moral grade of thought and action. He loved truth for her own sweet sake, and the personal intrepidity which so characterized the man never permitted him to wander from her paths. His good faith was kept alike with friend and foe, and so clear was he in office as to be not only uncharged with moral delinquency, but even by his worst foe unsuspected.

Who would willingly forget the high and genial courtesy which so marked his friendly intercourse? And however prompt was his recognition and immediate his response to anything that savored of defiance, equally ready was he to yield to the softer touches of reconciliation.

Mr. DAVIS's intellectual vigor was constantly outrunning his physical powers, and sitting at his side in the Senate-Chamber I was fre-

quently made aware of the painful conditions under which his duties were performed. His was—

> "A fiery soul, which, working out its way,
> Fretted the pigmy body to decay,
> And o'er-informed the tenement of clay."

And, now, Mr. President, in the hurried march of events in this Chamber, the scene of busy government, is it not well that we should pause, and reflect how far the moral life of a man exceeds in its influence and its importance his highest mental results, and that in our struggles here this great truth should not be forgotten—*post funera virtus?*

Remarks by Mr. Trumbull, of Illinois

Mr. President: This is the twenty-second time since I have been a member that the Senate has suspended its ordinary business to pay a tribute of respect to a deceased brother; and of the fifty-eight Senators in this body when I entered it, more than half have gone to their final account.

Admonished by these frequently occurring events that our mortal feet have almost reached the brink where all distinctions cease and human aspirations are at an end, how vain, illusory, and insignificant appear the ambitions, and rivalries, and positions of this transitory state! If the hour devoted to a consideration of the life and character of our deceased associate shall serve to mollify the strifes and animosities so often engendered in this Chamber, and the better to fit us to walk the path he has so recently trod, it will not have been misspent.

My first acquaintance with Mr. Davis began when he entered the Senate, at the commencement of the late civil war. He came here

an ardent Union man. We had none more so among us. As the war progressed he became dissatisfied with some of the measures adopted in its prosecution, and though he never faltered in devotion to his country, his course was not always in harmony with those controlling its affairs. He was a man of earnest convictions and fearless in their expression. There was a time near the close of the war, and soon after, when, dissatisfied with some of the measures of the Government, he occupied much time in expressing his opposition, and was sometimes regarded as tedious by some of those favoring the measures he assailed; but who can blame him for giving full expression to his views in those troublous and trying times, when the wisest and most patriotic might be pardoned for mistakes? It is too soon, even now, to determine whether impartial history may not discover that the measures adopted were not always the best which could have been devised to close up the wounds inflicted by a great civil war and restore among all our people that harmony and social intercourse without which liberty and life itself are scarcely worth possessing. During the later years of his service in the Senate Mr. Davis spoke less frequently and more concisely. His knowledge of public affairs and of the history of the Government was second to that of no one in the Senate, and no man could listen to him without instruction and profit. Although he had attained his threescore years when I first knew him, he retained all the fire and vigor of youth. In the discharge of what he conceived to be public duty he was bold, fearless, and aggressive. In private intercourse he was courteous, gentle, and obliging. In committee and in the transaction of the ordinary business of the Senate, he was eminently fair and just.

To sum up his character, he was a man of ardent temperament, of a high sense of honor, of earnest convictions, which he fearlessly proclaimed, of great and varied information, a true friend to his country, and an honest man.

REMARKS BY MR. MACHEN, OF KENTUCKY.

Mr. PRESIDENT: The insatiate demands of the great enemy of the human family are continually presenting occasions for sadness, sorrow, and mourning. No condition in life can evade them. All that live must sooner or later die. No panoply with which we may envelop ourselves will shield us from his piercing shaft. Dust must return again to dust, and the evidences of vigorous, buoyant life exhibited to-day in this honorable body will be exchanged at no very distant date, personally and collectively, for the pallid cerements of the grave.

Hon. GARRETT DAVIS was doomed as all others are. He separated from you last summer in feeble health, but a return to his own native hills and wide-spreading lawns, covered with the most beautiful verdure upon which the eye of man has ever rested, gave promise that soon he would again enjoy the physical energy and health of which he had been so suddenly deprived in your midst. Again he appeared at the bar, his favorite forum for intellectual combat, but it was only to realize that the enemy had been foiled and not defeated. Nature gave way, and on the 22d day of September last he fell an illustrious victim of the merciless destroyer's power.

He died with all his intellectual faculties in noon-tide refulgence, and from which emanated no dim or uncertain light. Had not death interposed, his voice would to-day have been heard in this Hall sounding the notes of constitutional liberty, and the sunlight of his brilliant genius would have shone on the legislative deliberations of the closing session of the Forty-second Congress.

I do not propose, Mr. President, to attempt a lengthened eulogy of Mr. DAVIS. It was not my privilege to have had, at any time, familiar personal acquaintance with him. Politically for most of our lives we had belonged to contending parties—widely separated geographically, more widely politically—he an old-line Whig and I a Democrat; he a conspicuous member of the party in the days when

the brilliant genius of the illustrious Clay marked out the pathway of that long-honored party, and I but a private in the ranks of that grand old army marshaled by the no less illustrious Jackson.

For the first time we were brought personally together in the constitutional convention of Kentucky, in 1849. That body had been chosen not so much from general political associations as for the accomplishment of certain reforms in our organic law, and although the State was then decidedly Whig, a majority of that body was Democratic. While general politics had not decided the character of the convention, it in the nature of things resulted that they did to some extent control our associations; and hence I was not even then very familiar with Mr. DAVIS. He had for many years been a member of Congress, and in the discussions of the day, both in that body and on the stump, which were frequently animated, and even of a very angry character, had borne his full part. In my limited sphere I had also taken some part in local discussions, and animadversions upon antagonists were common. This had not prepared me to regard Mr. DAVIS with an impartial judgment, and we had scarcely indulged the ordinary courtesies of acquaintance until an occasion presented, as I conceived, a better illustration of the spirit of the man than the political arena had furnished. I was then, as at present, unknown to fame, but a subject of interest being under consideration in the convention, took occasion to join in the debate, and upon the conclusion of my remarks Mr. DAVIS arose from his seat on the opposite side of the hall and approached me with a pleasant smile and extended hand, congratulating me upon the effort just made, and expressing a wish to become better acquainted. This incident developed, as I thought, a trait of character but seldom shown, and a spirit perhaps more seldom felt by those engaged in the excitements of political life, and I could but feel most sensibly that I had neither known nor justly appreciated the impulses by which he had been moved.

Mr. DAVIS was a devoted friend of the great commoner, Henry Clay, was his intimate associate, and shared his confidence to a very great extent; and though not his equal in eloquence, oratory, or genius, (as how few were,) was a strong pillar in the Whig party—a man of very decided character, great perspicuity of thought, nervous in expression, but always chaste and generally classic in the choice of weapons used in discussion. As a patriot, looking with undivided attachment upon his country, her cause was his cause, her preservation his grand object, and right or wrong she was his country and above all others. In the maintenance of what he conceived to be her interests and for the preservation of the rights of the people under constitutional government, none were more bold or determined. His zeal in her cause has occasionally led him into political collisions of a very heated and rather intemperate character; and yet in all these the distinctive purpose of constitutional preservation has been clearly and unmistakably marked.

Soon after the late civil strife had commenced, Mr. DAVIS, by the Legislature of Kentucky, was sent to the Senate of the United States, where the balance of his life was spent. Twice indorsed by his own State—once under circumstances of great excitement, and a second time when cool, dispassionate judgment decided upon the worth of his intellectual services to the State and country—he died full of years and honors, and, like the mailed warrior of old, with his armor on, and I doubt not to-day is reaping the reward of the Christian soldier made perfect, in the land where the clangor of arms will no more be heard, and the harmony of unbroken peace forever reigns.

Mr. President, I cannot say that even very often I have thought Mr. DAVIS right in his conclusions as to national policy. We rarely agreed in our views or harmonized in action; but I can say with perfect freedom and candor that I believe he was actuated by the purest devotion to what he believed to be the interest and welfare of our country, and in this I doubt not I shall have the hearty accord

of all this honorable body with whom he has been so long associated, and by whom he was so much better known than by myself. That he was without faults none will contend, for so to have been would have been above mortality. They were, however, few, and none of venal character. It has been said that—

> "The evil that men do lives after them,
> The good is oft interred with their bones;"

but this was pagan philosophy, unenlightened by the benignant reign of Christian charity and civilization. If from any act of Mr. DAVIS evil resulted, that evil is or will soon be forgotten, and his many virtues will be highly cherished as long as patriotism has an advocate and moral boldness an admirer.

The Presiding Officer, (Mr. Pomeroy in the chair.) The question is on the adoption of the resolutions.

The resolutions were unanimously adopted; and the Senate (at two o'clock and thirty minutes p. m.) adjourned.

PROCEEDINGS

IN THE

HOUSE OF REPRESENTATIVES.

A message from the Senate, by Mr. McDonald, its chief clerk, announced that he was directed by the Senate to inform the House of Representatives of the death of Hon. GARRETT DAVIS, late a Senator of the United States from the State of Kentucky, and to communicate to the House of Representatives the proceedings of the Senate thereon.

REMARKS BY MR. BECK, OF KENTUCKY.

Hon. GARRETT DAVIS, Senator from Kentucky, whose death has been officially announced to the House, died at his home in Paris, Bourbon County, Kentucky, on the 22d day of September, 1872, full of years and of honors. He was born on the 10th day of September, 1801, in Montgomery County, Kentucky. His term of life exceeded the threescore years and ten which ordinarily limit human existence.

He had filled or been tendered by the people of Kentucky all the high positions and offices they had to bestow. The people of Bourbon elected him for three consecutive terms as their representative in the State Legislature, in the years 1833, 1834, and 1835, and the people of the Ashland district sent him to Congress for four consecutive

terms, beginning with the Twenty-sixth and ending with the Twenty-ninth Congress. Before the expiration of his last term he determined to retire to private life, and in view of this resolution informed a friend of the late Governor C. S. Morehead that he would not be a candidate for re-election. After he had made this communication he met Mr. Clay, who inquired of him if he intended to be a candidate, and on being answered in the negative, Mr. Clay bore testimony to his high character by saying, "You have an extensive acquaintance with members of Congress and with men who visit Washington City. The national convention to nominate a candidate for the Presidency will be held next summer; I have confidence in your fidelity, and would like you to be in Washington City, and a member of Congress, to look after my interests." Mr. Davis excused himself to his illustrious friend by telling him of his pledge to Governor Morehead.

Mr. Davis was a member of the constitutional convention of Kentucky in 1849, and continued in that body until it agreed on and signed the present constitution of the State; but his objection to its principle of a judiciary elected by the popular vote was so decided that he voted against it and refused to sign it.

He was tendered the nomination of the Whig party for lieutenant-governor by the convention which nominated Mr. Crittenden for governor, and was informally tendered the nomination for governor, which Hon. Charles S. Morehead afterward accepted; but he declined both, though his election was sure if he had made the race for either, as subsequent events proved.

Mr. Davis was first elected to the Senate in 1861, to fill the unexpired term of General Breckinridge, and was re-elected in 1867 for the term which expires March 4, 1873.

The simple recital of these facts demonstrates more conclusively than the most eloquent words the confidence his people had in him. He lived and achieved success in an age and at a time when Kentucky had among her sons many distinguished men. To say nothing

of those who yet live, Clay, Crittenden, Marshall, the Wickliffes, Morehead, Powell, and a host of others, now no more, were his compeers; and while it is true that Kentucky has had more persuasive orators, more distinguished jurists, and statesmen of more extended reputation, it is safe to say that he combined in a very high degree all the elements necessary to attain eminence in every position he was called to fill.

The traits of character which specially endeared Mr. DAVIS to the people of Kentucky, and made him the recipient of the highest honors they could bestow, were his *honesty*, his *truthfulness*, and his *courage*. They felt that no stain of corruption would ever be placed on the escutcheon of the Commonwealth while he could keep it pure and undefiled. They knew that, while he was impetuous and liable to commit errors, he would honestly confess his wrongs and correct his mistakes when he saw them, and they were assured beyond all peradventure that he would resent, if need be at the sacrifice of life and fortune, any and all insults and indignities to his State or people, no matter where, when, or by whom they were offered. In short, they knew that "all the ends he aimed at were his country's, his God's, and truth's;" and being so assured, they never faltered in their confidence in or devotion to him.

His faults, follies, or vices, call them what you will, were but virtues exaggerated. With a quick temper, a strong will, and a clear perception of the right as he saw and understood it, he was impatient of contradiction, and sometimes failed to make allowances for the opinions and conduct of those who differed with him, which a man of more equable temper or less profound convictions would have done.

The country will not soon forget the zeal with which, in 1862, he prosecuted his resolutions for the expulsion of his colleague, Hon. Lazarus W. Powell, from the Senate of the United States, and his manly apology on the floor of the Senate when he became satisfied that he had done him injustice. Nor will his equally bold defense of

himself, in 1864, when a distinguished Senator sought to have him expelled for resolutions he had offered against the then Administration, soon be forgotten, while all who knew him will agree that he was equally sincere, equally true to his own convictions of duty, through all the seeming contradiction of his positions.

The Legislature of Kentucky paid the highest possible tribute to him by returning him to the Senate of the United States in 1867, though a majority of the members had been his political opponents. Their act was the tribute of brave men to honesty, fidelity, and courage. He was a different man in the eyes of the people of Kentucky and of those who were drawn closely to him, from what he appeared to strangers. To us he stood on the foreground of the picture; by others he was seen only in the dim distance. Conduct which from their stand-point appeared unaccountable, and doubtless sometimes wrong, we knew was prompted by the highest convictions of duty and the keenest sense of honor. Knowing that, the people of Kentucky never refused him any position he desired.

That Mr. Davis was a lawyer of distinguished ability, as well as a statesman profoundly versed in his country's history, all who ever heard him speak or read his speeches know. Few men analyzed intricate questions more clearly or presented them more forcibly.

I, in common with all who practiced at the bar with him, will never forget the indefatigable industry, zeal, and research which characterized all his efforts. The wonder was, how a man of his delicate frame and nervous organization could endure the herculean labor he performed.

I will not take time, as others desire to be heard, to speak of his private life further than to say that he was a model gentleman in his social intercourse. Courteous to all, temperate in all his appetites, unobtrusive, yet kind and genial, *his* was a life worthy of imitation.

He died in the midst of a great political struggle, which aroused all the enthusiasm of his nature, and it may be that his labors in the

cause he espoused shortened his days. But death had no terrors for him if life had to be prolonged at the sacrifice of duty. His remains are among the friends he loved; his grave will be visited with profound respect by the people of Kentucky; and it may be truthfully said of him, as was said by the regent of Scotland at the grave of John Knox, "There lies one who never feared the face of man."

REMARKS BY MR. ARTHUR, OF KENTUCKY.

Mr. SPEAKER: Mr. DAVIS was a man of great individuality. He was pre-eminently self-sustaining. He leaned only upon himself. As well in thought as in feeling, he was original, bold, and pronounced. His intellect, his integrity, his courage, and his self-respect were impregnable.

Whether in a legal or political forum, he sounded and penetrated his subject with a masculine comprehension; he intuitively pierced its center, and patiently worked his way to the open day upon its border. No obstacles deterred, no opposition embarrassed, no champion alarmed him. His strength, his ardor, his resources, and his intrepidity were greatest when most resisted.

Fiery, impetuous, and daring on occasions, he was in deliberation luminous, exact, and exhaustive. Though stern and unrelenting as an avenging warrior in confronting and crushing an unworthy antagonist, his was the delicacy and tenderness of woman toward all the world beside.

His love for his country was comprehensive, fervid, and inextinguishable. Fixed in his mind were all the philosophic events of its discovery, its rise, growth, and progress. Throughout his long and distinguished career he never ceased to be an unwearied, discriminating, and enthusiastic student. expounder, and defender of our Federal and State systems.

Than that in which he lived, no era in the circle of American constitutional government has been more crowded with momentous vicissitudes. Throughout all he was an observer or an actor, and for the most part both. For more than a generation past he had been prominent among the makers of political history. The arches and columns of this illustrious Capitol are his monumental witnesses. In the line of public duty he beheld rise this amazing structure, and in its Halls, committee-rooms, and corridors, for his country's glory, he day by day spent the vigor of his years.

He was trained and practiced in at once the highest and severest schools of American statesmanship. The greatest masters of juridical science and deliberative eloquence were his daily companions, and oftentimes his well-matched antagonists. Among the great he grew to the full measure of his stature.

Co-extensive with the annals of our institutions will live the enduring evidences of his industry, his learning, his ability, his eloquence, and his patriotism.

If fervently he loved American institutions, with equal fervency did he love American people. The horizon of his robust affections encircled the whole sisterhood of States, and rose on all sides to the zenith of a Union equal, impartial, and perpetual.

With all this Mr. Davis was every inch a Kentuckian. He excelled in many of the highest attributes, moral and intellectual, of the people of the great Commonwealth which cherished and honored him from his cradle to his grave. In his indomitable spirit, in his stern self-reliance, in his exalted aspirations for honorable fame in the public service, in his tenacity of purpose, in his magnanimity and integrity, he was eminently a representative man of the people of his native State.

Generous nature, popular devotion, and his own manly heart and unconquerable mind place him forever in line with the great statesmen and jurists, now no more, whose peer and contemporary he was. Take him all in all, there are few, if any, such men left in our day,

and his name and fame will endure, an honorable legacy to all who shall prove worthy to survive him.

REMARKS BY MR. WOOD, OF NEW YORK.

Mr. SPEAKER: To me this occasion has melancholy interest. It revives recollections of another period. It recalls memories associated with my early and youthful entrance into the public service. I came here in May, 1841, as a member of the Twenty-seventh Congress, where I first knew GARRETT DAVIS as a Representative from Kentucky. I was frequently associated with him at that time in the discharge of official duty. Though he was many years my senior in age, and of a different political party, we soon became friends and companions. Though comparatively a young man, he was even then a prominent and influential member of this House. His peculiar personal characteristics were already strongly developed. He was high-toned, independent, impulsive, and frank. Though the great leader of his party, (Henry Clay,) then a Senator, was the sole custodian of the partisan power of his party in Congress, yet Mr. DAVIS frequently refused to carry out even his mandates, or to bow with submission to his will. With him, as a Representative, the conscientious discharge of duty was paramount to every other consideration. His action was prompted by conviction, and his convictions were the creations of a well-ordered mind, greatly strengthened by a pure and manly spirit. Throughout life he maintained the same elevated standard. Of comprehensive intellect, of generous impulses, of chivalrous honor, of untarnished private and public life, he has gone down to an honored grave and left to posterity a lovely and bright example.

Mr. Speaker, I have said that this occasion is of melancholy interest. I refer not only to the individual loss we have met with in the death of this truly great and good man; not only to the early recol-

lections revived in me personally, connected with my own *entrée* into this House; but also to the fact that one more link is broken of the chain that binds this generation of statesmen to that which has preceded it; that one by one, slowly but surely, those who succeeded those who created our Government are being gathered to their fathers. When Mr. DAVIS entered Congress the great leaders of public opinion were Clay, Webster, Calhoun, Benton, and Van Buren. They were the successors to Jefferson, Adams, Jackson, and Taney. The three generations thus personified mark the three epochs of our country, each prolific of the very highest order of patriotism and most transcendent ability. Of that to which Mr. DAVIS belonged in his early career, already but few remain. Here and there we may yet see a flickering light; but—

> "To-morrow, and to-morrow, and to-morrow
> Creeps in this petty pace from day to day,
> To the last syllable of recorded time;
> And all our yesterdays have lighted fools
> The way to dusty death."

He is gone. Peace to his ashes! May his example be followed in all that is ennobling to our nature—in his purity of heart, his earnest devotion to his country, and in his independent, conscientious, and manly discharge of every private and public obligation of life. That he was exempt from all the frailties incident to humanity I do not declare, but that he possessed attributes which dignify public stations and endear us to each other I do declare, and challenge fearlessly a well-founded denial.

REMARKS BY MR. POLAND, OF VERMONT.

Mr. SPEAKER: I will detain the House but a very few minutes on this occasion. I deem it proper to say a few words at this time because I suppose I was connected officially with Mr. DAVIS at a later period of his life, perhaps, than was any other member upon this floor.

My first acquaintance with the late Mr. DAVIS was at the beginning of the Thirty-ninth Congress, when I took the place of Judge Collamer in the Senate, and during that Congress I served in the Senate with Mr. DAVIS. There had been a peculiar friendship between him and Judge Collamer, my predecessor in the Senate. They had been associated for a number of years as members of this House, and for a considerable number of years they had been associates in the Senate. There was a very warm and ardent friendship between them. On my coming to the Senate to take the place of Judge Collamer, Mr. DAVIS seemed to transfer his friendship for Judge Collamer to myself; and during my period of service there, and from that time to the time of his death, our relations were very friendly indeed.

After I left the Senate and came to this House we were associated as regents of the Smithsonian Institution, he being one of the regents on the part of the Senate and I one on the part of the House. In that way we were brought into intimate association.

I had known of Mr. DAVIS as a public man, and of his reputation as such, before I became personally acquainted with him. But my views of the man, my views of his character, were mainly derived from my association with him in the Senate. He seemed one of the most industrious and laborious men in that body, always watchful and attentive to every duty. He was a man of large attainments, especially in the law and in the political history of the country. But few men I have ever met were better versed in either of those branches of knowledge. His character was eminently and peculiarly conservative. He was a man who believed earnestly and sincerely in the "wisdom of the fathers." Every proposition for change was distasteful and disagreeable to him, and he came very slowly to the adoption of any new views.

Mr. DAVIS was a very ardent Union man. No man was more bitterly opposed to secession than he was; no man was a more warm and devoted friend of the Union. The result of the war, so far as it

resulted in the overthrow of the rebellion, was as agreeable to him as to any other Union man. But the changes in the form of the Government, the constitutional amendments, the acts of reconstruction, and the other governmental acts which, by the dominant party of the country, were deemed necessary in order to make the Government conform to the altered condition of things, were very disagreeable to him and very repulsive to his notions. During the Thirty-ninth Congress the most prominent of these measures were before the Senate. Mr. DAVIS and myself were diametrically opposed upon them all. We were educated at different periods, under different civilizations, and our views of what was proper and necessary to be done were utterly diverse. I believe that in every single instance, upon every measure of that sort, my vote was upon the one side and his upon the other.

I believe then, as I believe now, that Mr. DAVIS was as honest and sincere in his views as I was in mine. I believe he accorded the same sincerity and honesty to me, and our warm personal relations were not in the slightest degree disturbed. But, as I have said, the social and political changes which were the result of the war were very disagreeable to him, and he opposed them bravely and earnestly, and, as I believe, conscientiously, though sustained only by a hopeless minority. And so in all public duties (so far as I had any means of observation) that he was called upon to perform, he was as firm and true to his convictions of duty, according to his idea and the light that was in him, as any man I have ever known.

For purity of purpose, for patriotic devotion to his country, for following bravely what he believed to be the right, he has set an example that all of us who survive him may well follow.

REMARKS BY MR. ADAMS, OF KENTUCKY.

Mr. SPEAKER: It is not my purpose to attempt a eulogy upon the

life or character of Mr. Davis. His name and his fame are forever secure, not only in the hearts of the people of his own State, where he was so well known and so universally beloved, but also in the public estimation of the whole country, in whose councils he served so long and in which he acted so conspicuous a part. And even if such were not the case, his private life and public career have already been referred to in fitting terms by others who have preceded me, and who knew him longer and better than myself. But, sir, I will be pardoned for desiring upon this melancholy occasion to pay a last tribute of respect to the memory of one for whom I entertained the profoundest respect, for whom I cherished the warmest attachment.

I had from early boyhood heard much of the public life and eminent services of Mr. Davis, but it was not my good fortune to know him personally until the summer of 1867, when, upon my first entrance into this Hall, I met him here in this city in his official capacity as a Senator from the State of Kentucky. From that time forward I became intimately acquainted with Mr. Davis, and had evidences of his friendship of which I was glad to be assured while he lived, and which it is a pleasure to recall now that he is gone.

The lineaments of Mr. Davis's character were well marked and clearly defined. Endowed by nature with unusual intellect, possessed of indomitable courage and an inflexible and unyielding will, he was a man of intense individuality and wonderful self-reliance. When his opinions were once formed, no opposition could deter, no inducement could swerve him from the path of his duty. Upon all public questions he was decided and emphatic in his convictions. He knew no middle ground; he occupied no equivocal position. In the earnestness with which he advocated what he believed to be right, and the severity with which he denounced what he deemed to be wrong, he never stopped to inquire where his bolts would fall or whom his arrows would pierce. The artifice of the mere politician and the duplicity of the demagogue he utterly and thoroughly de-

spised; but he was never unmindful of the courtesy due to those with whom he differed, and whatever of zeal or vehemence he manifested in debate arose entirely from a thorough conviction of the truth and justness of his cause.

In private life Mr. DAVIS was a kind, gentle, and genial companion, a true and steadfast friend, an honest and upright man. He had his faults, but they were of the nobler, not the baser kind. There was much in his character to admire, and very little really to condemn. The prominent characteristic of his life, however, which distinguished him above all others, and which was one of the secrets of his great success, was his lofty sense of public virtue, his spotless and irreproachable integrity. Against him even the tongue of calumny never dared to whisper a breath of suspicion. Through all his private life and public services there shines the luster of a noble and gifted manhood, a fervent and undying patriotism, a pure and unsullied name.

But, Mr. Speaker, he is gone, and in his death his State has lost one of its most illustrious sons, his country one of its purest and ablest statesmen. Such was the man whose virtues we commemorate and whose loss we are called upon to mourn.

REMARKS BY MR. BANKS, OF MASSACHUSETTS.

Mr. SPEAKER: The ancient Commonwealth of Kentucky has an interesting and memorable record. In the cluster of States which form the Union it constitutes the connecting-link between the republics of the constitutional period and those of our own day that enrich the valleys of the Ohio, Mississippi, and Missouri, and occupy the western slopes of the Pacific coast. Kentucky was the first State carved out of the territory of the great West; and if we except the patriotic and prosperous Green Mountain State, which was formed by the

division of territory in part occupied or claimed by New York, hers was the first star added to the galaxy that blazed on the banner of the Revolution. She was certainly the eldest daughter of the Mother of States, the predecessor of that grand array of local governments of the interior and the Occident which hereafter may, perhaps, constitute the strength, wealth, integrity, and virtue of the American Republic. In my own immediate neighborhood her traditions are familiar to the common people from the fact that a party of pioneers and hunters who bivouacked a few miles from her frontier settlement, where they received the news of the first fight of the colonists against the army of Great Britain, the 19th of April, 1775, at Lexington, in Massachusetts, gave that name to the spot where their camp was planted, now the site of the prosperous and patriotic city of Lexington, the oldest, if not the most populous and prosperous, city of the State. The constant repetition of this incident gave them their ideas of the character of its founders, and accustomed them to associate the State and its hardy pioneers with the scenes and the men of the Revolution. In the war of 1812 Kentucky, flanked on the north and south by Ohio and Tennessee, assumed the position which the Atlantic colonies maintained during the war of independence. Their traditions constitute the romance of early American history, and will live in song and story as long as the virtues of the founders and defenders of the country shall be imitated or respected. We should not forget her place in the official history of this House. Her representatives have been chosen for the distinguished chair you now occupy more frequently than those of any other State. And it is not and ought not to be forgotten that in our most recent and greatest trial she was the most decided of the border States of the South that were relied upon to complete the dissolution of the Union, in rejecting the heresies of secessionists and secession. It could scarcely be expected that a State cradled amid the contests of the Revolution, that cherished the memories of such men as Boone, and Clay, and Crittenden, could

voluntarily exchange the imperishable glories of the Union for the evanescent, provincial, and vulgar triumphs of isolation and annihilation.

The most interesting features in the career of the distinguished Senator of Kentucky, whose death is announced by the message from the Senate, is, that while the State he so long and honorably represented in the national councils is a connecting-link between the earlier and most recent development of American civilization, he himself, in his varied and long career, presents to our minds a similar connection of the founders of his State and the fathers of the Republic with the men of our own time, who are at this moment charged with the grave responsibilities of local and general administrations of government.

With one exception, he was the eldest Senator of his time, having been born in the first year of the present century. In the period of life when character commences its formation he might have known the earlier Presidents, Adams, Jefferson, Madison, Monroe, and Jackson, and other distinguished leaders of that period. It is not improbable that in personal intercourse, or by that oral communication in regard to public men which makes tradition of so long life, he may have imbibed much of the spirit of the age, and attuned his aspirations and convictions in harmony with those of the generation that preceded him.

Entering Congress in the exciting and stormy period that immediately preceded the presidential canvass of 1840, he was the associate and compeer of John Quincy Adams, Joshua R. Giddings, Silas Wright, Fillmore, Caleb Cushing, Judge Clifford, President Buchanan, Benton, Calhoun, Clay, and Webster. "There were giants in those days." At a still later period he entered the Senate as an opponent of secession and the successor of Breckinridge, where he continued his labors with unfaltering fidelity and marvelous industry until the close of the last session of the present Congress.

It was not my fortune to have formed with him an intimate personal

acquaintance, though I often exchanged with him the courtesies of the day; and the very brief period that has elapsed since I was invited by the leader of the delegation in this House that specially mourns his loss to take a part in the ceremonies of this occasion has not afforded me opportunity, amid the pressing current business of the session, to present such an estimate as I could desire, if the opportunity offered, of his influence upon the legislation of the country. But I venture to mention several qualities of mind and character which, in my judgment, distinguished in no ordinary degree his official life, and justify the confidence and friendship shown to him by the gallant people he represented. Patriotism, fidelity, integrity, industry, and courtesy were the virtues that especially marked his career. I do not permit myself to question for a moment my right to assign to him, as one of the sterling qualities of his character, the virtue of patriotism. By this I mean love of country—the whole country; not servility or fidelity merely to dogmas, platforms, or parties. The disciple of Clay and the compatriot of Crittenden, he could not have been otherwise than the unfaltering opponent of secession.

The counterpart of secession was union. He was for the Union, fearless, constant, and invincible in its defense. Of this sentiment he was the chosen and honored representative of his State. It was devotion to this single sentiment at the opening of his senatorial career in the beginning of the war that constituted true patriotism. It is the custom of our day to regard all those who halt in support of theories and measures of administrations and of parties that break upon us from day to day, and hour to hour, as deficient in loyalty and patriotism. Fidelity to the Government and to republican principles is held to depend upon an unreserved and blind adherence to the shifting necessities of the times, and upon devotion to the preservation of the Union or the defense of liberty. The maxim of other days and wiser men points to a broader and nobler philosophy: "In essentials, unity; in non-essentials, liberty; in all things, charity."

In his time hostility to secession and support of the Union were the essential duties of patriots. In this he gave us unity. In non-essentials we should concede him liberty; and standing now near his grave, we ought in all things to accord him charity.

But it will be as the friend of Henry Clay that the deceased Senator will be universally remembered. In this character his fidelity has conspicuity and imperishable beauty. Men of the world, or especially those connected with public life, come naturally to distrust the sincerity of men, and to doubt the possibility of fidelity between man and man. But the common people have faith in friendship, and the great Kentucky statesman and his devoted and faithful friend will find a lasting and fond place in their memories. Their friendship does equal honor to both parties. It is the homage of fidelity to nobility. Like mercy,

> "It is twice bless'd:
> It blesseth him that gives, and him that takes;
> 'Tis mightiest in the mightiest; it becomes
> The throned monarch better than his crown."

Whoever else may have failed, Mr. Clay found in the now deceased Senator a faithful and devoted friend. It does not imply on the part of the friend inferiority or servility, but rather the higher and nobler qualities of nature. The second place is often the purer and greater in such relations. If there can be no subordinate place except in derogation and dishonor, there can be no friendship. *Aut Cæsar aut nullus*, is a maxim anti-democratic and vulgar, fatal to government, fatal to society, fatal to liberty, fatal to civilization.

No man of our time, I think, has preserved a more scrupulous character for integrity. This essential quality—indispensable to legislators and rulers as in industry or commerce—he had in as high degree as any statesman of our history. It was integrity of mind and integrity of action; and the general homage which has been paid him by the people he represented is a touching and lasting tribute to his memory.

Every speaker upon this occasion has alluded to his unfailing and almost unparalleled industry in the discharge of his official duties. Public duty has rarely had a more persistent and conscientious servant. It may, perhaps, be considered an unimportant trait, but it is the foundation of utility and success. The hot blood of the Southron did not fail to manifest itself, as we know; but his intercourse with associates and his deportment in debate were distinguished by scrupulous regard for the rights of others and the freedom of discussion.

Mr. Speaker, in these essential elements of character the deceased Senator was a man whom we might well imitate and may well honor; and I trust his example and his record will be long remembered by the people of the country as illustrating the career of a distinguished and honorable member of the Congress of the United States.

Remarks by Mr. McHenry, of Kentucky.

Mr. Speaker: I cannot permit the last sad ceremonies on the death of the distinguished Senator from my State to pass without adding my humble and heart-felt tribute to his memory, and saying a few words in commemoration of his talents and virtues. I shall not, however, attempt to give the history of his life; that has been truthfully given by my colleague, [Mr. Beck.] It is enough for me to say that he lived to the age of threescore and ten, the time allotted to man, and that he died with honors clustering thick around him.

That he was honest, industrious, faithful, and talented, is well known and recognized by his contemporaries in Congress and his constituents at home; and all can bear witness to the high political integrity and patriotism of his public life. His name and fame will be preserved in the history of Congress, and the records of either House attest his zeal for his State and country, and the indefatigable energy and ability which he manifested on all the great questions which were

presented here during his twenty years in the councils of the nation. He was not ambitious so far as concerned his individual preferment; it was for his country and his State that he struggled for position. That he might add to their welfare, and to the happiness of his people, was the manly and patriotic effort of his life. He was of those whose lot it was—

> "The applause of listening senates to command,
> The threats of pain and ruin to despise;
> To scatter plenty o'er a smiling land,
> And read their history in a nation's eyes."

He never aspired to a position that the people did not want him to fill, and consequently he never sustained a defeat for any office for which he was a candidate. It was my fortune to have been a member of the Kentucky Legislature each time when he was elected to the Senate, and I can but remember, in his last contest for a seat there, when the indications were that another distinguished gentleman seemed the choice of the political party to which he belonged, he retired from the contest immediately, and declined with so much grace, and with such little show of chagrin or mortification, that a strong feeling of admiration for his manly qualities sprang up in that body and resulted in his triumphant election.

Mr. DAVIS formed his opinions on political matters with deliberation and honesty of purpose, and adhered to them with great fidelity and tenacity when he believed them to be right. In evidence of this, he was a member of the convention which formed the present constitution of Kentucky, and was prominent in the debates and deliberations of that body, and many of its provisions are the result of his opinions and influence; but to some of its innovations upon old conservative ideas he was so conscientiously and unalterably opposed that he refused to sign it, and chose to resign his seat in the convention rather than connect his name with an instrument which he could not approve. But, sir, when he ascertained that he was wrong, no pride of opinion, no love of consistency, prevented him from placing him-

self in the right, and making the *amende honorable* if that opinion had done injustice to another. As an example of this, I refer to what is well known in this Capitol, that after having introduced a resolution for the expulsion of his distinguished colleague, Senator Powell, he afterward made a manly retraction in the open Senate, and extended his hand so cordially to the gentleman, to whom he admitted he had done injustice, that they were warm and devoted friends afterward, and co-operated most earnestly for the interest of their native State.

Mr. DAVIS's devotion to duty, and his energy to accomplish whatever he believed to be for the welfare of his country, were above all personal considerations. During the last session, when he was suddenly stricken with disease, which afterward proved fatal, I was the first of his colleagues who hastened to his bedside. I found him prostrate, with just enough of life for him to feel that the light of this world was fast fading from him; but even in that hour his thoughts turned to his duties as a Senator, and he charged me with a message to his friends in the Senate to get his vote paired off on the amnesty bill then under consideration, and for the passage of which he felt great interest.

Mr. DAVIS was not a genius, nor were his talents of that brilliant style, nor his eloquence so commanding, as some of his predecessors whose names have become immortal; but he was eminently practical, strong, and forcible in his ideas, with a graceful flow of language which gave much eloquence to his speeches, and made him the peer in debate of any man in the Senate, and his State may well be proud of the rank he held and the record he left behind him. In his private life he was kind, generous, and noble; courteous and dignified in his bearing, seldom offensive, and with a temperament and courage that brooked no insult from others; yet—

> "His life was gentle, and the elements
> So mixed in him, that Nature might stand up
> And say to all the world, 'This was a man.'"

He died among his friends, and his ashes repose in the bosom of his loved Kentucky. The last sad rites have there been held. This is the closing scene. His history is now finished, and shows us much to admire, much to emulate; some things, perhaps, to condemn. Frailty is human. The lives of all are checkered with error. Not many of us will leave so few clouds on our escutcheon. He has fulfilled his mission and accomplished his destiny.

"Why weep ye, then, for him, who, having run
The bound of man's appointed years, at last,
Life's blessings all enjoyed, life's labors done,
Serenely to his final rest has passed;
While the soft memory of his virtues yet
Lingers like twilight hues when the bright sun has set?"

Mr. Speaker, I offer the following resolutions, and move their adoption:

The Clerk read as follows:

Resolved, That the House has learned with feelings of profound regret that the Hon. GARRETT DAVIS, late a Senator in the Congress of the United States from the Commonwealth of Kentucky, departed this life at his residence near Paris, in that State, on the 22d of September, 1872, during the recess of this body.

Resolved, That in the death of Mr. DAVIS this country has lost a citizen eminent for his public and private virtues, a statesman of the purest patriotism, a Senator of ability and worth, and that his death is deplored by the whole country.

Resolved, That, as a testimony of our respect for the memory of the deceased, the members and officers of the House will wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect for his memory, the House do now adjourn.

The resolutions were unanimously adopted.

And accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

LIBRARY OF CONGRESS
0 013 787 612 7